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Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Jeffrey Hurst
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
JEWELL COKE COMPANY, L.P.**

Registration No. 10200

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Jewell Coke Company, L.P., for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "CFR" means the Code of Federal regulations, as incorporated into the Regulations.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

5. "Facility" means the Jewell Coke Company, L.P. facility, located at 1034 Dismal River Road, Buchanan County, Virginia.
6. "Jewell Coke Company, L.P." means Jewell Coke Company, L.P., a Limited Partnership authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Jewell Coke Company, L.P. is a "person" within the meaning of Va. Code § 10.1-1300.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "NSR Permit" means the Stationary Source Permit to Modify and Operate a non-metallurgical coke production facility issued to Jewell Coke Company, L.P. approved November 19, 2019.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
10. "PCE" means a partial compliance evaluation by DEQ staff.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
12. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
13. "TV Permit" means the Article 3 Federal Operating Permit to operate Jewell Coke Company, L.P. Facility issued to Jewell Coke Company, L.P. effective November 17, 2017, modified December 4, 2019 and May 5, 2020.
14. "Va. Code" means the Code of Virginia (1950), as amended.
15. "VAC" means the Virginia Administrative Code.
16. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Jewell Coke Company, L.P. owns and operates a non-recovery metallurgical coke production facility in Buchanan County, Virginia. The Facility operates a non-recovery metallurgical coke production facility. The Facility is also subject to 40 CFR Part 63, Subpart CCCCC and 40 CFR Part 60, Subpart Y.

2. On January 31, 2021, Jewell Coke Company, L.P. submitted the Title V Semi-Annual Monitoring Report for the second half of 2020.
3. On February 26, 2021, Jewell Coke Company, L.P. submitted the revised Title V Semi-Annual Monitoring Report for the first half of 2020 and the Subpart CCCCC semi-annual for the first half of 2020.
4. On June 4, 2021, Jewell Coke Company, L.P. submitted revisions to the 2018 – 2020 Title V Deviation and Compliance Reports.
5. On July 9, 2021, Jewell Coke Company, L.P. submitted a report of deviations for 2018 and 2019 identified as a result of multi-records comprehensive review.
6. On July 29, 2021, Jewell Coke Company, L.P. submitted the Title V Semi-Annual Report for the first half of 2021.
7. On October 20, 2021, DEQ staff conducted a PCE for review of the reports received from January 31, 2021 to July 29, 2021. Based on the evaluation and follow-up information, DEQ staff made the following observations:
 - (a) Records did not indicate the quench baffles were washed daily on one or both quench towers on the following dates: 2018: March 13, March 14, April 1, April 2, April 7, April 11, April 12, April 15, April 27, April 29, April 30, May 4-7, May 23 ad 2019: February 27, December 10, December 17, and December 18. On February 27, 2020 to February 29, 2020, a miscalculation of the 24-hour ambient temperature resulted in the operations personnel not cleaning the baffles.
 - (b) Records showing completion of weekly VEOs for the coke oven stacks and thermal dryer were not maintained for the weeks of December 30 2018, January 5 2019, December 22 2019 and August 8 2020.
 - (c) Records showing completion of weekly VEOs for the screening plant baghouse for the weeks of December 1 2019 and March 8 2020 were not maintained.
 - (d) Records for hourly pressure drop and water supply pressure of the thermal dryer venturi scrubber were not available for December 7, 2020 through December 30, 2020.
 - (e) Fans associated with the screening plant baghouse were not operational on February 1, 2021 5:22 pm through February 2, 2021 2:43 am for a total of 9.35 hours.
8. Condition No. 70 (effective November 17, 2017) and Condition No. 73 (modified December 4, 2019) of the TV Permit states: “The Maximum Achievable Control Technology (MACT) Standard for coke ovens, under 40 CFR 63, Part CCCCC (National Emissions Standards for Hazardous Pollutants for Coke Ovens: Pushing,

Quenching, and Battery Stacks) was proposed on July 3, 2001, and promulgated on April 14, 2003. The MACT standard is applicable to this facility for the existing coke ovens per 40 CFR 63.7281 and 40 CFR 63.7282.”

9. Condition No. 72c (effective November 17, 2017) and Condition No. 75c (modified December 4, 2019) of the TV Permit states: “The baffles in each quench tower shall be washed once each day that the tower is used to quench coke, except as specified in 40 CFR 63.7295 (b)(2)(i) and (ii).”
10. 40 CFR 63.7295(b) states: “You must wash the baffles in each quench tower once each day that the tower is used to quench coke, except as specified in paragraphs (b)(2)(i) and (ii) of this section.”
11. 9 VAC5-80-110 states in part: “ B. Each permit shall contain terms and conditions setting out the following requirements with respect to emission limitations and standards: 1. The permit shall specify and reference applicable emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance...”
12. Condition No. 67 a-b (effective November 17, 2017) and Condition No. 70 a-b (modified December 4, 2019) and Condition No. 70 a-b (modified May 5, 2020) of the TV Permit states: “The permittee shall maintain records of all emission data and operating parameters to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest regional Office. These records shall include, but are not limited to:
 - (a) Results of the VE observations for the coke oven stacks. (9 VAC 5-80-110)
 - (b) Results of the VE observations for the thermal dryer. (40 CFR 60, Subpart Y)
 - (c) Maintenance records for the quench tower/recirculating waster system. (9 VAC 5-80-110)

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.”

13. 40 CFR 60.258(a)(1),(2) and (9) state: “The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain in a logbook (written or electronic) on-site and make it available upon request. The logbook shall record the following:
 - (1) The manufacturer’s recommended maintenance procedures and the date and time of any maintenance and inspection activities and the results of those activities. Any

variance from manufacturer recommendation, if any, shall be noted.

(2) The date and time of periodic coal preparation and processing visual observations, noting those sources with visible emissions along with corrective action taken to reduce visible emissions. Results from the action shall be noted.

(9) During a performance test of a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the scrubber pressure loss, water supply flow rate, and pH of the wet scrubber liquid.”

14. Condition No. 47 a-b (effective November 17, 2017 and modified December 4, 2019) states: “compliance with emission limits and opacity shall be determined as follows:

(a) The permittee shall perform visible emission observations on the baghouse (BH01) for the coke screening plant. The visible emission observations shall be conducted at least once each week during periods of normal facility operation for a sufficient time period to determine the presence of any visible emissions...

(b) A record of each visible emissions observation shall be maintained and shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.”

15. Condition No. 28 (modified May 5, 2020) of the TV Permit states in part: “The permittee shall monitor, operate, calibrate and maintain the thermal dryer with venturi scrubber according to the following plan: - Indicator No. 2 – Pressure Drop – Measurement Approach: Pressure drop across the venturi is measured continuously using a differential pressure gauge – Verification of Operational Status: Record hourly when operating – Data Collection Procedures: Record pressure drop every hour when operating.”
16. Condition No. 36 (modified May 5, 2020) of the TV Permit states in part: “The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional office. These records shall include, but are not limited to: (b) The pressure drop through the venturi scrubber. (40 CFR 60.256, Subpart Y)...”
17. 9 VAC 5-50-50 D states: “Any owner of a new or modified source subject to the provisions of this chapter shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all information required by this chapter recorded in a permanent form suitable for inspection. The file shall be

retained for at least two years (unless a longer period is specified in the applicable standard) following the date of such measurements, maintenance, reports and records.”

18. Condition No. 40 (modified May 5, 2020) of the TV Permit states: “Particulate emissions from the coke screening plant shall be controlled by a baghouse and full enclosure. The baghouse and enclosure shall be provided with adequate access for inspection.”
19. Condition No. 1 of the NSR Permit states: “Particulate emissions from the coke screening plant (Ref. No. 09) shall be controlled by a baghouse and full enclosure. The baghouse and enclosure shall be provided with adequate access for inspection.”
20. On October 26, 2021, based on the submission of reports and information on January 31, 2021; February 26, 2021; June 4, 2021; July 9, 2021 and July 29, 2021; and the October 20, 2021 PCE, the Department issued Notice of Violation No. ASWRO001981 to Jewell Coke Company, L.P. for the alleged violation described in paragraph C(7), above.
21. On November 1, 2021, DEQ received a telephone response to the NOV from the Facility.
22. On December 10, 2021, DEQ received a written response to the NOV from the Facility.
23. Based on the results of the October 20, 2021 PCE, the November 1, 2021 telephone response to the NOV, and the December 10, 2021 written response to the NOV, the Board concludes that Jewell Coke Company, L.P. has violated Conditions 28, 36, 40, 47, 67, 70, 72, 73, and 75 of the TV Permit; Condition 1 of the NSR Permit; 9 VAC 5-80-110; 40 CFR 63.7295(b)(2); 40 CFR 60.258, Subpart Y; and 9 VAC 5-80-1180 as described in paragraphs C(7) through C(19), above.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Jewell Coke Company, L.P., and Jewell Coke Company, L.P. agrees to:

1. Perform the actions described in Appendix A of this Order, and:
2. Pay a civil charge of \$16,239 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier’s check payable to the “Treasurer of Virginia,” and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Jewell Coke Company, L.P. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Jewell Coke Company, L.P. shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Jewell Coke Company, L.P. for good cause shown by Jewell Coke Company, L.P., or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. ASWRO001981, dated October 26, 2021. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Jewell Coke Company, L.P. admits the jurisdictional allegations, and neither admits nor denies the findings of fact, and conclusions of law contained herein.
4. Jewell Coke Company, L.P. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Jewell Coke Company, L.P. declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Jewell Coke Company, L.P. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the

initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Jewell Coke Company, L.P. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Jewell Coke Company, L.P. shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Jewell Coke Company, L.P. shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

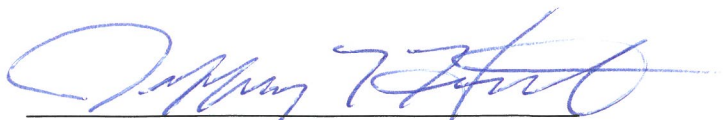
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Jewell Coke Company, L.P. Nevertheless, Jewell Coke Company, L.P. agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:
- the Director or his designee terminates the Order after Jewell Coke Company, L.P. has completed all of the requirements of the Order;
 - Jewell Coke Company, L.P. petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Jewell Coke Company, L.P.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Jewell Coke Company, L.P. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Jewell Coke Company, L.P. and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Jewell Coke Company, L.P. certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Jewell Coke Company, L.P. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Jewell Coke Company, L.P.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Jewell Coke Company, L.P. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 5th day of April, 2022.



Jeffrey L. Hurst, Regional Director
Department of Environmental Quality

Jewell Coke Company, L.P. voluntarily agrees to the issuance of this Order.

Date: 3/28/22 By: _____

Matthew Lester
Matthew Lester, General Manager
Jewell Coke Company, L.P.

Commonwealth of Virginia

City County of Buchanan

The foregoing document was signed and acknowledged before me this 28 day of

March, 2022, by Matthew Lester who is

General Manager of Jewell Coke Company, L.P., on behalf of the company.

H. Stacy Harris
Notary Public

7118662
Registration No.

My commission expires: 2/28/2023

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. Jewell Coke Company, L.P. :

Shall submit a compliance plan detailing review of operation and maintenance procedures, monitoring procedures, review of monitoring results and recordkeeping actions taken to prevent future loss of records. The compliance plan is due within 30 days of the issuance of this Order.

2. Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports submitted to DEQ pursuant to this Consent Order, Jewell Coke Company, L.P., shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

3. DEQ Contact

Unless otherwise specified in this Order, Jewell Coke Company, L.P. shall submit all requirements of Appendix A of this Order to:

Crystal C. Bazyk
Enforcement and Air Compliance/Monitoring Manager
VA DEQ – SWRO
355-A Deadmore Street
Abingdon, Virginia 24210
(276) 676-4829
crystal.bazyk@deq.virginia.gov